

Assembly Bill No. 1689

CHAPTER 692

An act to amend Section 96 of the Labor Code, relating to employment.

[Approved by Governor October 6, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1689, Floyd. Employment: wage claims.

Under existing law, the Labor Commissioner or his or her representatives are authorized to take assignments of certain claims for enforcement, including wage claims.

This bill would authorize the Labor Commissioner or his or her representatives to take assignments of claims for loss of wages due to employer demotion, suspension, or discharge for lawful conduct occurring during nonworking hours away from the employer's premises. The bill would make legislative findings, including findings that the bill is necessary to protect employee civil rights.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that, absent the protections afforded to employees by the Labor Commissioner, an individual employee is ill-equipped and unduly disadvantaged in any effort to assert the civil rights otherwise guaranteed by Article I of the California Constitution. The Legislature further finds and declares that allowing any employer to deprive an employee of any constitutionally guaranteed civil liberties, regardless of the rationale offered, is not in the public interest. The Legislature further declares that this act is necessary to further the state interest in protecting the civil rights of individual employees who would not otherwise be able to protect themselves.

SEC. 2. Section 96 of the Labor Code is amended to read:

96. The Labor Commissioner and his or her deputies and representatives authorized by him or her in writing shall, upon the filing of a claim therefor by an employee, or an employee representative authorized in writing by an employee, with the Labor Commissioner, take assignments of:

- (a) Wage claims and incidental expense accounts and advances.
- (b) Mechanics' and other liens of employees.
- (c) Claims based on "stop orders" for wages and on bonds for labor.

(d) Claims for damages for misrepresentations of conditions of employment.

(e) Claims for unreturned bond money of employees.

(f) Claims for penalties for nonpayment of wages.

(g) Claims for the return of workers' tools in the illegal possession of another person.

(h) Claims for vacation pay, severance pay, or other compensation supplemental to a wage agreement.

(i) Awards for workers' compensation benefits in which the Workers' Compensation Appeals Board has found that the employer has failed to secure payment of compensation and where the award remains unpaid more than 10 days after having become final.

(j) Claims for loss of wages as the result of discharge from employment for the garnishment of wages.

(k) Claims for loss of wages as the result of demotion, suspension, or discharge from employment for lawful conduct occurring during nonworking hours away from the employer's premises.

